

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §
§
vs. § Case No. 4:06cr118
§ (Judge Schneider)
CHARLES VERNON HAYNES (4) §

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on July 22, 2011, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Heather Rattan.

On February 14, 2007, Defendant was sentenced to five years' probation for the offense of conspiracy to possess with intent to manufacture or distribute methamphetamine. The term of probation was revoked on October 28, 2008, and Defendant was sentenced to eight (8) months' custody followed by three (3) years of supervised release. On June 10, 2009, Defendant's supervised release began.

On February 22, 2011, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition alleges violations of the following standard condition: (1) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician. The petition also alleges violations of the following special conditions: (1) the defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of supervision; and (2) defendant shall reside in and participate in a residential

reentry center or similar facility, in a correctional component for a period of 180 days to commence upon determination of the U.S. Probation Officer and shall observe the rules of the facility.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of nine (9) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit. It is also recommended that Defendant receive credit for his prior time in federal custody from June 24, 2010, to October 5, 2010.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 22nd day of July, 2011.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE